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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 EDNA SANDRA BOCK-KASMINOFF, an
16 individual;

17 Plaintiff,

18 vs.

19 WALMART, INC., a Foreign Corporation DBA
20 WALMART SUPERCENTER #5259; DOE
21 STORE MANAGERS I through X; DOE
22 STORE ASSOCIATES I through X; DOE
23 MAINTENANCE ASSOCIATES I through
24 X; DOE JANITORIAL ASSOCIATES I through
25 X; ROE MAINTENANCE COMPANIES XI
26 through XX; inclusive, jointly and severally,

27 Defendants.

CASE NO.: 2:20-cv-00949-JAD-EJY

[District Court, Clark County Case No. A-
20-810193-C, Dept. No.: 15]

28 **STIPULATION AND ORDER REGARDING RULE 35 EXAMINATION**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff EDNA SANDRA BOCK-KASMINOFF, by and through her counsel of record, KIMBALL JONES, ESQ., and SIRIA L. GUTIERREZ, ESQ., with the Law Offices of **BIGHORN LAW**, and Defendant WALMART, INC., a Foreign Corporation DBA WALMART SUPERCENTER #5259, by and through her counsel of record, ROBERT K. PHILLIPS, ESQ., and TIMOTHY D. KUHL, ESQ., with the Law Offices of

1 **PHILLIPS, SPALLAS & ANGSTADT, LLC**, to the following terms for the Rule 35 Examination
2 in this matter as follows:

3 1. The Rule 35 Examination (hereinafter “examination”) of Plaintiff shall be conducted
4 by a physician, surgeon, or chiropractor (“examiner”) hired and paid by Defendant, who is currently
5 licensed to practice in Clark County, Nevada. No other physician, surgeon, or chiropractor shall be
6 present during the examination. If necessary, the examiner may utilize members of his/her staff to
7 assist during the examination. Plaintiff will be allowed to have a neutral observer present during the
8 exam;
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10 2. The examination shall be completed within two (2) hours, and Plaintiff will not be
11 made to wait in the doctor’s waiting room for the examination to begin for more than 45 minutes.
12 However, should Plaintiff be made to wait 45 minutes, Plaintiff’s counsel will contact Defendant’s
13 counsel so that Defendant’s counsel can make a good faith effort to remedy the issue regarding
14 Plaintiff’s extended wait time;
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16 3. The examination shall be conducted in Clark County, Nevada;

17 4. No CT scans or MRI’s shall be performed on the Plaintiff in the course of the
18 examination, nor shall any medical treatment be rendered to the Plaintiff by the examiner;
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20 5. Any paperwork or forms that Defendant (or the examiner) require for the examination
21 shall be submitted to Plaintiff’s counsel for review no later than one (1) week prior to the examination;
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23 6. The examiner shall be provided with a copy of these terms and conditions by the
24 Defendant, prior to the examination;

25 7. Neither Defendant’s counsel or Plaintiff’s counsel, nor anyone from the Defendant’s
26 counsel’s office or Plaintiff counsel’s office, may attend the examination;
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1 8. The examining physician shall not engage in ex parte contact with Plaintiff's treating
2 health care providers, with regard to the Plaintiff.

3 9. Defendant is entitled to only one (1) Rule 35 Examination.

4 10. The examiner will retain all handwritten notes, e-mails sent and received, and all
5 documents generated or received, including draft reports, related to the examination.
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7 11. The examiner will produce a copy of his/her entire file, including any test materials/raw
8 data, to Plaintiff's counsel within thirty (30) days after the examination occurs.

9 12. The examiner will accurately report his/her findings and test results.

10 13. Liability questions may not be asked by the examining physician or any agent or
11 representative of the examining physician.
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14. The report generated by the examiner will list all tests, exams, other materials (radiographs, test results, other physician reports) that are used by the examiner to form the examiner's opinions and conclusions. All reference materials must be referred to within the report, otherwise they will be precluded as part of the basis of the examiner's opinions.

DATED this 30th day of September, 2020.

DATED this 30th day of September, 2020.

BIGHORN LAW

**PHILLIPS, SPALLAS & ANGSTADT,
LLC**

/s/Siria L. Gutierrez

KIMBALL JONES, ESQ.

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/s/Robert L. Phillips

ROBERT L. PHILLIPS, ESQ.

Nevada Bar No.: 11441

TIMOTHY D. KUHLS, ESQ.

Nevada Bar NO.: 13362

504 South Ninth Street

Las Vegas, NV 89101

Attorneys for Defendant

ORDER

IT IS HEREBY ORDERED this 30th day of September, 2020.


UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted by:

BIGHORN LAW

/s/Siria L. Gutierrez

KIMBALL JONES, ESQ.

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